

# Notice of Allowability

Application No.

09/619,778

Examiner

John Pezzlo

Applicant(s)

CAO, YANG

Art Unit

2662

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1 September 2004.
2. ☒ The allowed claim(s) is/are 1, 3-12, 14-42 (renumbered 1-10, 16-27, 11-15, 28-40 respectively).
3. ☒ The drawings filed on 18 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. Curtin on 9 October 2004.

The claims have been amended as follows:

1. Claim 3 – Line 1, changed "2" to --1 --.
2. Claims 14-20 – Line 1, changed "13" to -- 12 --.

### ***Allowable Subject Matter***

Claims 1, 3-12, 14-42 are allowable over the prior art of record.

### ***Reasons for Allowance***

Applicant has claimed the following uniquely distinct features in the instant invention which are not found in the prior art, either singularly or in combination.

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1. Regarding claim 1 - A hybrid telecommunications switch comprising: at least one circuit switched switch fabric, at least one packet switched switch fabric, and a controller configured to separate telecommunications traffic received at the hybrid switch, including asynchronous transfer mode (ATM) traffic characterized by at least one service category, and to direct traffic to either a circuit or packet switch fabric, the controller directing ATM traffic of at least one service category to a circuit switched switch fabric, wherein a portion of the circuit switch resources are provisioned for synchronous transfer mode (STM) traffic and the remaining portion of the circuit switch resources are allocated to ATM traffic as the controller routes the ATM traffic to the circuit switch.

2. Regarding claim 12 - A method for switching telecommunications traffic in a hybrid telecommunications switch for switching asynchronous transfer mode (ATM) traffic characterized by one or more service categories, comprising at least one packet switch fabric and one circuit switch fabric, at least one circuit switch fabric, and a controller, the method including the steps of:

- (A) the controller separating telecommunications traffic received at the switch,
- (B) the controller directing traffic to either a packet or a circuit switch fabric, with ATM traffic of at least one service category being directed to a circuit switch fabric,
- (C) provisioning a portion of the circuit switch resources for synchronous transfer mode (STM) traffic, and
- (D) allocating the remaining portion of the circuit switch resources to ATM traffic as the controller routes the ATM traffic to the circuit switch.

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3. Regarding claim 30 - A hybrid telecommunications switch comprising: at least one circuit switched switch fabric, at least one packet switched switch fabric, and a controller configured to separate telecommunications traffic received at the hybrid switch, including asynchronous transfer mode (ATM) traffic characterized by at least one service category, to direct traffic to either a circuit or packet switch fabric, to employ a connection admission control algorithm to allocate circuit switch resources to ATM traffic, and to route constant bit rate (CBR) ATM traffic of at least one service category to a circuit switched switch fabric, wherein a portion of the circuit switch resources are synchronous transfer mode (STM) traffic and the provisioned for remaining portion of the circuit switch resources are allocated to ATM traffic as the controller routes the ATM traffic to the circuit switch fabric.

4. Regarding claim 37 - A method for switching telecommunications traffic in a hybrid telecommunications switch for switching asynchronous transfer mode (ATM) traffic characterized by one or more service categories, comprising at least one packet switch fabric and one circuit switch fabric, at least one circuit switch fabric, and a controller, the method including the steps of:

- (A) the controller separating telecommunications traffic received at the switch,
- (B) the controller directing traffic to either a packet or a circuit switch fabric, with CBR ATM traffic of at least one service category being directed to the circuit switch fabric,
- (C) provisioning a portion of the circuit switch resources for synchronous transfer mode (STM) traffic, and
- (D) allocating the remaining portion of the circuit switch resources to ATM traffic as the controller routes the ATM traffic to the circuit switch fabric.

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The closest prior art, either singularly or in combination, fail to anticipate or render the above limitations obvious.

### ***Conclusion***

Claims 1, 3-12, and 14-42 being allowable, **Prosecution On The Merits Is Closed** in this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

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Hand delivered responses should be brought to:

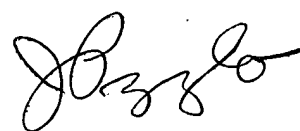
Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

9 October 22004

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized, cursive script.

**JOHN PEZZLO**  
**PRIMARY EXAMINER**